

## OPERATOR BY AFFIDAVIT GUIDANCE

### **567-81.2(3) Operator-In-Charge certification requirement.**

“The operator-in-charge shall hold a certificate of the same classification of the plant or water distribution system and of equal or higher grade than the grade designated for that plant or distribution system.”

Due to the high quantity of small systems in the State of Iowa, hundreds of water and wastewater systems are being operated by affidavit operators.

### **567-81.16(455B) Operator by affidavit:**

In the State of Iowa, it is allowable to enter into “agreement by affidavit” with a properly certified operator for water and wastewater plants and distribution systems with the operating category of grade A, water treatment grades 1 & 2, water distribution grades 1 & 2, and wastewater or lagoon grades 1 & 2.

*IAC 567 -81.16(1) Affidavit allowance*, “The owner of a plant or distribution system that is required to have a Grade A, I, II, III certified operator may sign an affidavit with a certified operator of the required classification and grade.”

### **What is an operator by affidavit?**

*IAC 567 Chapter 81.16(2)*, “(The) affidavit will verify that the certified operator is the operator-in-charge and has direct responsibility for a plant or distribution system that does not have first rights on the services of that operator.”

In other words, an affidavit operator is an operator who signs an agreement with the owners of a specific water treatment or distribution system or wastewater facility to be their Operator-In-Charge. An affidavit agreement between an operator and the owner of a facility or system puts the properly certified operator in direct responsibility for the daily operation of the facility even though he/she may only be on-site a few times a week. Therefore, the certified operator must be given authority to direct all matters pertaining to the operation of the facility or system.

### **Affidavit Process:**

1. Affidavit Form *DNR Form 542-3119* shall be submitted to the appropriate IDNR Regional Field Office.
2. Field Office Personnel will review, and before approval, may specify additional operational and maintenance requirements based on the complexity and size of the plant or distribution system.
3. Four duly notarized originals of the affidavit must be returned to the appropriate Regional Field Office.

4. Upon termination of any affidavit agreement, both the owner of the plant or distribution system and the certified operator shall notify the IDNR at least 30 days before the actual termination.

#### **Minimum Affidavit Operator Responsibilities:**

1. Execute affidavit.
2. Adhere to Iowa Administrative Code 567-Chapter 81.1(455B.) "*Operator Certification*" and all other necessary certifications. *Link to Code*.
3. Be responsible for the collection of all samples collected as part of the facility permit.
4. Complete and submit all Monthly Operational Reports as required either electronically or in hard copy.
5. Complete all operational monitoring requirements as per facility permit.
6. Maintain operational control.
7. Train and direct other facility staff in performance of daily activities.
8. On-site attendance as required for IDNR inspections and emergency situations.
9. Maintain communication with facility owner and IDNR.
10. Perform or direct preventative routine maintenance. Including, but not limited to treatment facilities, distribution systems, collection systems, storage facilities, booster and lift stations.
11. Report to water or wastewater system regulator (IDNR, EPA) when required. (i.e. when a boil order is issued, when an untreated release of wastewater occurs to surface waters, when a maximum contaminant level "MCL" is exceeded, when any emergency condition occurs, etc.)

#### **Owner Responsibilities:**

1. The owner will employ a properly certified operator. The operator has the authority and the responsibility to maintain operational

control. It is the owner's responsibility to provide all necessary support to the Operator-in-Charge in order to maintain operational control.

2. Execute affidavit.
3. Adhere to Iowa Administrative Code 567-Chapter 81.1(455B) "*Operator Certification*" and any other necessary certifications.
4. Provide adequate funding to properly construct, operate and maintain facilities in accordance with Iowa Administrative Code.
5. Obtain all necessary operation and construction permits and provide copies to the Operator-in-Charge.
6. Verify the collection of all samples and performance of all operational monitoring requirements as listed in the facility permit.
7. Verify the submission of all Monthly Operational Reports as required either electronically or in hard copy.
8. Verify the submission of the Report of Annual Water Use, if applicable.
9. Maintain all required facility documents and provide the Operator-In-Charge access to such documents.
10. Recognize that the operator has the authority and the responsibility to maintain operational control and it is the owner's responsibility to provide the necessary support to maintain operational control.
11. Provide all equipment, including safety equipment as required by law, necessary for the operator to properly operate and maintain the owner's facilities.
12. Provide additional staff as necessary to perform daily activities under the direction of Operator-In-Charge.
13. Operator-in-Charge shall be notified of emergencies and prior to any modifications, repairs or maintenance or other changes to owner's facilities.
14. Maintain communication with the Operator-In-Charge and IDNR.

15. On-site attendance as required for IDNR inspections and emergency situations.
16. Confirm that annual Consumer Confidence Reports are accurate and delivered on time, if applicable.
17. Confirm communication with water or wastewater system regulator (IDNR, EPA) when required. (i.e. when a boil order is issued, when an untreated release of wastewater occurs to surface waters, when a maximum contaminant level "MCL" is exceeded, when any emergency condition occurs, etc.)

**Other Recommendations for Owners and Operators:**

1. Detailed written contract between owner and operator including, but not limited to, scope of services, compensation and termination guidelines.
2. Specify whether the contract operator will provide comprehensive general liability insurance to cover bodily injury and property damage resulting from negligent performance of the service covered in the contract.
3. Owner's consideration of potential operator's references.
4. Owner's consideration of the response time between an operator and the owner's facility and after hour availability.

**Contact Information:**

IDNR Field Office Region #1, Manchester	(563)927-2640
IDNR Field Office Region #2, Mason City	(641)424-4073
IDNR Field Office Region #3 Spencer	(712)262-2901
IDNR Field Office Region #4 Atlantic	(712)243-1934
IDNR Field Office Region #5 Des Moines	(515)725-0268
IDNR Field Office Region #6 Washington	(319)653-2135
<b>Iowa Operator Certification Program</b>	<b>(515)725-0284</b>

**Recommended Affidavit Operator Minimum Visits:**

Due to the uniqueness of each facility and system, it is difficult to set criteria that would be appropriate for all affidavit operations across Iowa. The owner and/or potential affidavit operator should contact the appropriate DNR Field Office to review the operational requirements specified in the operational permit for that particular facility or system prior to execution of the affidavit to determine the appropriate "on-site" visits required for that facility or system by the Field Office.